

U.S. Serial No. 09/581,772

REMARKS

A. Interview Summary

As a preliminary matter, the Applicant wishes to thank Examiner Lucas for the courtesy of a telephonic interview on November 17, 2003.

Receipt of the Interview Summary setting forth the substance of the interview is acknowledged. The Interview Summary includes all applicable items listed in the "Summary of Record of Interview Requirements" attached to the Interview Summary. Hence no supplementary statement of the substance of the interview by the undersigned is called for.

B. Status of the Claims

Claims 1, 3-5, 9-16, 43, 45-47, 56-58, 69-73, and 77-105 are pending herein.

To place the present application in a condition for allowance, claims 1 and 43 have been amended to require a cationic detergent and an antigen comprising a polynucleotide.

Claim cancellations and amendments typically flow from the amendments of claims 1 and 43. It is noted that the dependencies of several multiply dependent claims have been amended.

Withdrawn claims 52 and 53 have been cancelled to place the application in condition for allowance. It is believed that claim 74 was also intended to be withdrawn, and it has been cancelled as well. Withdrawn claims 9, 81-84, 91-93, 98, 99 and 103 have been amended to correspond to elected subject matter.

Claims 104 and 105 have been added.

C. Response to Office Action

Claim Objections

Claim 69 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. This objection is believed to be moot in view

U.S. Serial No. 09/581,772

of the above amendment, which makes clear that, although the microparticle of claim 69 comprises an antigen adsorbed on its surface, it does not comprise an entrapped antigen. Hence this claim further limits the claims from which it depends, as these claims embrace microparticles that containing entrapped antigen in addition to adsorbed antigen, while claim 69 does not. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections under 35 U.S.C. 112, second paragraph

All rejections under 35 U.S.C. 112, second paragraph, have been withdrawn.

Rejection of Claims 1-5, 7, 10-16, 44-47, 54, 56-57, 59, 69-80, 85-90, 94-97 and 100-102 under 35 U.S.C. 112, first paragraph

Claims 1-5, 7, 10-16, 44-47, 54, 56-57, 59, 69-80, 85-90, 94-97 and 100-102 are rejected in the Office Action under 35 U.S.C. 112, first paragraph.

This rejection is believed to be moot in view of the above amendment to the claims. See the Interview Summary regarding the telephonic discussion between Examiner Lucas and the undersigned on November 17, 2003.

Accordingly reconsideration and withdrawal of the rejection of claims 1-5, 7, 10-16, 44-47, 54, 56-57, 59, 69-80, 85-90, 94-97 and 100-102 under 35 U.S.C. 112, first paragraph are respectfully requested.

Rejection of claims 1-7, 10-16, 44-47, 54, 56-59, 69-80, 85-90, 94-97 and 100-102 under 35 U.S.C. 112, first paragraph

Claims 1-7, 10-16, 44-47, 54, 56-59, 69-80, 85-90, 94-97 and 100-102 are rejected in the Office Action under 35 U.S.C. 112, first paragraph.

As above, this rejection is believed to be moot in view of the above amendment to the claims. See the Interview Summary concerning the telephonic discussion between Examiner Lucas and the undersigned on November 17, 2003.

Accordingly reconsideration and withdrawal of the rejection of claims 1-7, 10-16, 44-47, 54, 56-59, 69-80, 85-90, 94-97 and 100-102 under 35 U.S.C. 112, first paragraph are respectfully requested.

U.S. Serial No. 09/581,772

Prior Art Rejections

All prior art rejections have been withdrawn.

CONCLUSION

Applicants submit that pending claims 1, 3-5, 9-16, 43, 45-47, 56-58, 69-73, and 77-105 are in condition for allowance, early notification of which is earnestly solicited. The Examiner is encouraged to telephone the Applicant's attorney at (703) 433-0510 in order that any outstanding issues be resolved.

Please continue to send all correspondence to Chiron Corporation.

Respectfully submitted,



David B. Bonham
Registration No. 34,297

Attorney for Applicant
Mayer Fortkort & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
Tel.: 703-433-0510
Fax: 703-433-2362

Certificate of Facsimile Transmission

I hereby certify that this correspondence and any document referenced herein is being sent to the United States Patent and Trademark office via Facsimile to: 703-872-9306 on Dec. 24, 2003.

David B. Bonham

(Printed Name of Person Mailing Correspondence)



(Signature)